

---

SECOND SUBSTITUTE HOUSE BILL 2216

---

State of Washington

60th Legislature

2008 Regular Session

By House Local Government (originally sponsored by Representatives Appleton, Sells, Simpson, Takko, Wallace, Ormsby, Conway, and Strow)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to requiring the appointment of nonvoting labor  
2 members to public transportation governing bodies; amending RCW  
3 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to  
4 chapter 35.21 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 35.58.270 and 1993 c 240 s 6 are each amended to read  
7 as follows:

8 If a metropolitan municipal corporation shall be authorized to  
9 perform the function of metropolitan transportation with a commission  
10 form of management, a metropolitan transit commission shall be formed  
11 prior to the effective date of the assumption of such function. Except  
12 as provided in this section, the metropolitan transit commission shall  
13 exercise all powers of the metropolitan municipal corporation with  
14 respect to metropolitan transportation facilities, including but not  
15 limited to the power to construct, acquire, maintain, operate, extend,  
16 alter, repair, control and manage a local public transportation system  
17 within and without the metropolitan area, to establish new passenger  
18 transportation services and to alter, curtail, or abolish any services  
19 as the commission may deem desirable and to fix tolls and fares.

1           The comprehensive plan for public transportation service and any  
2 amendments thereof shall be adopted by the metropolitan council and the  
3 metropolitan transit commission shall provide transportation facilities  
4 and service consistent with such plan. The metropolitan transit  
5 commission shall authorize expenditures for transportation purposes  
6 within the budget adopted by the metropolitan council. Tolls and fares  
7 may be fixed or altered by the commission only after approval thereof  
8 by the metropolitan council. Bonds of the metropolitan municipal  
9 corporation for public transportation purposes shall be issued by the  
10 metropolitan council as provided in this chapter.

11           The metropolitan transit commission shall consist of seven voting  
12 members. Six of such members shall be appointed by the metropolitan  
13 council and the seventh member shall be the ((~~chairman~~)) chair of the  
14 metropolitan council who shall be ex officio the ((~~chairman~~)) chair of  
15 the metropolitan transit commission. Three of the six appointed  
16 members of the commission shall be residents of the central city and  
17 three shall be residents of the metropolitan area outside of the  
18 central city. The three central city members of the first metropolitan  
19 transit commission shall be selected from the existing transit  
20 commission of the central city, if there be a transit commission in  
21 such city. The terms of first appointees shall be for one, two, three,  
22 four, five and six years, respectively. Thereafter, commissioners  
23 shall serve for a term of four years. Compensation of transit  
24 commissioners shall be determined by the metropolitan council.

25           There shall also be one nonvoting member of the metropolitan  
26 transit commission. The nonvoting member shall be recommended by the  
27 labor organization representing the majority of the public  
28 transportation employees within the local public transportation system.  
29 The nonvoting member shall be appointed for a term of four years. The  
30 commission chair may exclude the nonvoting member from attending any  
31 portion of a meeting of the commission or of any committee held for the  
32 purpose of discussing negotiations with labor organizations, or from  
33 attending any executive committee meeting.

34           The requirement to create a metropolitan transit commission shall  
35 not apply to a county that has assumed the rights, powers, functions,  
36 and obligations of the metropolitan municipal corporation under chapter  
37 36.56 RCW.

1       **Sec. 2.** RCW 36.57.030 and 1974 ex.s. c 167 s 3 are each amended to  
2 read as follows:

3       Every county which undertakes the transportation function pursuant  
4 to RCW 36.57.020 shall create by resolution of the county legislative  
5 body a county transportation authority which shall be composed as  
6 follows:

7       (1) The elected officials of the county legislative body, not to  
8 exceed three such elected officials;

9       (2) The mayor of the most populous city within the county;

10       (3) The mayor of a city with a population less than five thousand,  
11 to be selected by the mayors of all such cities within the county;

12       (4) The mayor of a city with a population greater than five  
13 thousand, excluding the most populous city, to be selected by the  
14 mayors of all such cities within the county: PROVIDED, HOWEVER, That  
15 if there is no city with a population greater than five thousand,  
16 excluding the most populous city, then the sixth member who shall be an  
17 elected official, shall be selected by the other two mayors selected  
18 pursuant to subsections (2) and (3) of this section;

19       (5) An individual recommended by the labor organization  
20 representing the majority of the public transportation employees within  
21 the county transportation authority. The individual shall serve as a  
22 nonvoting member of the county transportation authority. The chair of  
23 the county transportation authority may exclude the nonvoting member  
24 from attending any portion of a meeting of the authority or of any  
25 committee held for the purpose of discussing negotiations with labor  
26 organizations, or from attending any executive committee meeting.

27       The members of the authority shall be selected within sixty days  
28 after the date of the resolution creating such authority.

29       Any member of the authority who is a mayor or an elected official  
30 selected pursuant to subsection (4) (~~above~~) of this section and whose  
31 office is not a full-time position shall receive one hundred dollars  
32 for each day attending official meetings of the authority.

33       **Sec. 3.** RCW 36.57A.050 and 1998 c 121 s 15 are each amended to  
34 read as follows:

35       Within sixty days of the establishment of the boundaries of the  
36 public transportation benefit area the members of the county  
37 legislative authority and the elected representative of each city

1 within the area shall provide for the selection of the governing body  
2 of such area, the public transportation benefit area authority, which  
3 shall consist of elected officials selected by and serving at the  
4 pleasure of the governing bodies of component cities within the area  
5 and the county legislative authority of each county within the area.  
6 If at the time a public transportation benefit area authority assumes  
7 the public transportation functions previously provided under the  
8 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen  
9 positions on the governing board of the transit system, those positions  
10 may be retained as positions on the governing board of the public  
11 transportation benefit area authority.

12 Within such sixty-day period, any city may by resolution of its  
13 legislative body withdraw from participation in the public  
14 transportation benefit area. The county legislative authority and each  
15 city remaining in the public transportation benefit area may disapprove  
16 and prevent the establishment of any governing body of a public  
17 transportation benefit area if the composition thereof does not meet  
18 its approval.

19 In no case shall the governing body of a single county public  
20 transportation benefit area be greater than (~~nine~~) ten members and in  
21 the case of a multicounty area, (~~fifteen~~) sixteen members. Those  
22 cities within the transportation benefit area and excluded from direct  
23 membership on the authority are hereby authorized to designate a member  
24 of the authority who shall be entitled to represent the interests of  
25 such city which is excluded from direct membership on the authority.  
26 The legislative body of such city shall notify the authority as to the  
27 determination of its authorized representative on the authority.

28 There shall also be one nonvoting member of the public  
29 transportation benefit area authority. The nonvoting member shall be  
30 recommended by the labor organization representing the majority of the  
31 public transportation employees within the local public transportation  
32 system. The chair of the authority may exclude the nonvoting member  
33 from attending any portion of a meeting of the authority or of any  
34 committee held for the purpose of discussing negotiations with labor  
35 organizations, or from attending any executive committee meeting.

36 Each member of the authority is eligible to be reimbursed for  
37 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
38 receive compensation, as set by the authority, in an amount not to

1 exceed forty-four dollars for each day during which the member attends  
2 official meetings of the authority or performs prescribed duties  
3 approved by the chairman of the authority. Except that the authority  
4 may, by resolution, increase the payment of per diem compensation to  
5 each member from forty-four dollars up to seventy dollars per day or  
6 portion of a day for attendance at board meetings and for performance  
7 of other services on behalf of the authority. In no event may a member  
8 be compensated in any year for more than seventy-five days, except the  
9 chairman who may be paid compensation for not more than one hundred  
10 days: PROVIDED, That compensation shall not be paid to an elected  
11 official or employee of federal, state, or local government who is  
12 receiving regular full-time compensation from such government for  
13 attending meetings and performing prescribed duties of the authority.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW  
15 to read as follows:

16 Any county performing the public transportation function as  
17 authorized by RCW 36.57.100 and 36.57.110 or any public transportation  
18 system that is not governed: By a metropolitan municipal corporation  
19 as authorized by RCW 35.58.270; by a county performing the public  
20 transportation function as authorized by RCW 36.57.100 and 36.57.110;  
21 by a county transportation authority under chapter 36.57 RCW; or by any  
22 public transportation benefit area established under chapter 36.57A  
23 RCW, must appoint a nonvoting member to its public transportation  
24 governing body, if applicable.

25 The nonvoting member shall be recommended by the labor organization  
26 representing the majority of the public transportation employees within  
27 the local public transportation system. The chair of the governing  
28 body may exclude the nonvoting member from attending any portion of a  
29 meeting of the governing body or of any committee held for the purpose  
30 of discussing negotiations with labor organizations, or from attending  
31 any executive committee meeting.

--- END ---